

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.**

SECOND APPEAL NO.1074 OF 2006
Along with
Civil Application No.1842 of 2006

Shri Hire Parasram Kotwani, .. Appellant.
Vs
Shri Kirpal Kishinchand Satpal, .. Respondent.
Mr S.A.Malkani, for the appellant.

CORAM : D.B.BHOSALE, J.
DATE : 13.12.2006

PC:

1. Heard the learned counsel for the appellant.
2. The learned counsel for the appellant, submits that ground no.1 is a substantial question of law involved in the instant second appeal. I perused the grounds as well as the judgments of both the courts below. The suit was filed for recovery of Rs.99,837.50 with future interest. The courts below, after having considered the evidence on record, have concurrently held that the plaintiff has proved his case of advancing the loan of Rs.40,000/- to the appellant/defendant and that the two cheques, Exhibits 20 and 21, were issued by the appellant for repayment of the loan. Even on the question of limitation both the courts below have held that the suit was filed well within time. In my opinion, no substantial question of law is raised by the

appellant. Keeping that in view and considering the concurrent findings of fact and as I find that there is sufficient material on record to sustain those findings and considering the extremely limited jurisdiction of this Court under section 100 of C.P.C to disturb the findings of fact, this appeal fails and is dismissed as such. As a consequence thereof, the civil application is disposed of.

(D.B.BHOSALE, J.)